



COMMONWEALTH of VIRGINIA
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July 26, 2004

Ms. Carolyn C. Eddy
Center for Quality Health Care Services &
Consumer Protection
Virginia Department of Health
3600 West Broad Street, Suite 216
Richmond, Virginia 23230

Re: Regulations for the Licensure of Hospitals in Virginia
12 VAC 5-410-440

Dear Carrie:

I have reviewed the proposed revision to Regulations for the Licensure of Hospitals, 12 VAC 5-410-440. The amended regulation is constitutional and in conformity with the existing statutory provisions of the Code of Virginia.

The Board of Health has the authority to promulgate this regulation under Va. Code §§ 32.1-12 and 32.1-127. The regulation is consistent with the Board's mandate as set forth in these sections. The Board of Health will not exceed its statutory authority in promulgating this regulatory amendment. Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this regulatory amendment in accordance with the requirements of the Administrative Process Act.

If I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

Matthew M. Cobb
Assistant Attorney General

cc: Nancy R. Hofheimer, Director
Center for Quality Health Care
& Consumer Protection
Douglas R. Harris
Adjudication Officer and
Administrative Coordinator

[hess/mmc/regulations/ltr.hospital-breast milk.070704.doc](#)